

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD H. AMERSON,

No. C 11-0158 WHA (PR)

Petitioner,

**ORDER DENYING MOTIONS FOR
STAY AND FOR CERTIFICATE OF
APPEALABILITY**

v.

RANDY GROUNDS, Warden,

Respondent.

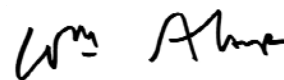
(Docket Nos. 6 & 7)

Petitioner, a California prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254. The petition was dismissed for failure to state a cognizable claim in light of the United States Supreme Court's decision in *Swarthout v Cooke*, 131 S.Ct. 859, 863 (2011). Petitioner has filed a motion for a stay pending the "appeal" of *Swarthout*. The motion is denied because there is no "appeal" from a decision by the United States Supreme Court. Petitioner has also filed a motion for a certificate of appealability. Petitioner has failed to make a substantial showing that reasonable jurists would find it debatable whether the district court was correct in denying the claims in the petition. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Consequently, no certificate of appealability is warranted in this case.

This order terminates docket numbers 6 & 7.

IT IS SO ORDERED.

Dated: July 13, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE